



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1252/2

MDK:kjf: [handwritten initials]

*O-NOTE*

DOA:.....Hatch, BB0232 - Focus on Energy position transfers

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

*Don't Gen*

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**PUBLIC UTILITY REGULATION**

Under current law, the PSC has oversight duties with respect to certain energy efficiency and renewable resource programs that are established and funded by investor-owned electric and natural gas utilities. Current law requires the utilities to spend a specified percentage of their annual operating revenues on the programs, as well as on other related programs. The utilities must contract with persons to administer the programs.

This bill creates an annual appropriation for the costs incurred by the PSC in carrying out its oversight duties described above. In each fiscal year, the PSC must collect each utility's share, as determined by the PSC, of the PSC's oversight costs. The bill requires the PSC to collect these amounts from the persons with whom the utilities contract to administer the programs. The amount that the PSC collects with respect to a utility is included in determining whether the utility has spent the required percentage of its annual operating revenues. (The bill does not change the percentage.)

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 20.155 (1) (i) of the statutes is created to read:

2           20.155 (1) (i) *Energy efficiency and renewable resource programs.* The amounts  
3 in the schedule for the costs of administering s. 196.374. All moneys received under  
4 s. 196.374 (3) (b) 4. shall be credited to this appropriation account.

5           **SECTION 2.** 196.374 (3) (b) 2. (intro.) of the statutes, as affected by 2005  
6 Wisconsin Act 141, is amended to read:

7           196.374 (3) (b) 2. (intro.) The commission shall require each energy utility to  
8 spend 1.2 percent of its annual operating revenues to fund the utility's programs  
9 under sub. (2) (b) 1., the utility's ordered programs, and the utility's share of the  
10 statewide energy efficiency and renewable resource programs under sub. (2) (a) 1.,  
11 and the utility's share, as determined by the commission under sub. (3) (b) 4., of the  
12 costs incurred by the commission in administering this section. Subject to approval  
13 under subd. 3., the commission may require each energy utility to spend a larger  
14 percentage of its annual operating revenues to fund these programs and costs. The  
15 commission may make such a requirement based on the commission's consideration  
16 of all of the following:

17           **SECTION 3.** 196.374 (3) (b) 4. of the statutes is created to read:

18           196.374 (3) (b) 4. In each fiscal year, the commission shall collect from the  
19 persons with whom energy utilities contract under sub. (2) (a) 1. an amount equal  
20 ↓ to the aggregate of each energy utility's share, as determined by the commission, of  
21 the costs incurred by the commission in administering this section.

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**SECTION 9439. Effective dates; Public Service Commission.**

(1) ENERGY EFFICIENCY AND RENEWABLE RESOURCE PROGRAMS. The treatment of sections 20.155 (1) (i) and 196.374 (3) (b) 2. (intro.) and (3) (b) 4. of the statutes takes effect on July 1, 2007.

(END)

D-Note

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1252/3dn  
MDK: *kgf*

*Date*

Nikki Hatch:

This version makes the change you requested. Also, I eliminated the delayed effective date because I realized that it is not necessary, as the budget act will take effect on July 1, 2007, or the day after publication, whichever is later.

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.wisconsin.gov](mailto:mark.kunkel@legis.wisconsin.gov)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1252/3dn  
MDK:kjf:rs

January 17, 2007

Nikki Hatch:

This version makes the change you requested. Also, I eliminated the delayed effective date because I realized that it is not necessary, as the budget act will take effect on July 1, 2007, or the day after publication, whichever is later.

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.wisconsin.gov](mailto:mark.kunkel@legis.wisconsin.gov)

4

RM has been run

DOA:.....Hatch, BB0232 - Focus on Energy position transfers

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Don't Gen

from the utilities public benefits fund (fund)

1 AN ACT ...; relating to: the budget.

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for deposit in the funds

INSEAT 2-4

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1 SECTION 1. 20.155 (1) <sup>(S) ← kttu</sup> of the statutes is created to read:

2 20.155 (1) <sup>(S)</sup> Energy efficiency and renewable resource programs. The amounts  
in the schedule for the costs of administering s. 196.374. All moneys received under  
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From the utility public benefits fund

note: bud

5 SECTION 2. 196.374 (3) (b) 2. (intro.) of the statutes, as affected by 2005  
6 Wisconsin Act 141, is amended to read:

7 196.374 (3) (b) 2. (intro.) The commission shall require each energy utility to  
8 spend 1.2 percent of its annual operating revenues to fund the utility's programs  
9 under sub. (2) (b) 1., the utility's ordered programs, and the utility's share of the  
10 statewide energy efficiency and renewable resource programs under sub. (2) (a) 1.,  
11 and the utility's share, as determined by the commission under sub. (3) (b) 4., of the  
12 costs incurred by the commission in administering this section. Subject to approval  
13 under subd. 3., the commission may require each energy utility to spend a larger  
14 percentage of its annual operating revenues to fund these programs and costs. The  
15 commission may make such a requirement based on the commission's consideration  
16 of all of the following:

17 SECTION 3. 196.374 (3) (b) 4. of the statutes is created to read:

18 196.374 (3) (b) 4. In each fiscal year, the commission shall collect from the  
19 persons with whom energy utilities contract under sub. (2) (a) 1. an amount equal  
20 to the costs incurred by the commission in administering this section.

21

(END)

2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1252/4ins  
MDK:.....

1

**INSERT 2-4:**

2

**SECTION 1.** 25.96 of the statutes is amended to read:

3

**25.96 Utility public benefits fund.** There is established a separate

4

nonlapsible trust fund designated as the utility public benefits fund, consisting of

5

low-income assistance fees received under s. 16.957 (4) (a) and (5) (b) 2. and all

6

moneys received under s. 196.374 (3) (b) 4.

~~NOTE: This section is amended eff. 7-1-07 by 2005 Wis. Act 141 to read:~~NOTE:

7

~~25.96 Utility public benefits fund.~~ There is established a separate nonlapsible trust fund designated as the utility public benefits fund, consisting of low-income

8

~~assistance fees received under s. 16.957 (4) (a) and (5) (b) 2.~~

~~History: 1999 a. 9; 2005 a. 141.~~

**Kunkel, Mark**

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**From:** Hatch, Nikki - DOA  
**Sent:** Friday, January 26, 2007 4:10 PM  
**To:** Kunkel, Mark  
**Subject:** RE: LRB Draft: 07-1252/4 Focus on Energy position transfers

The below sounds fine.

-Nikki

---

**From:** Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]  
**Sent:** Friday, January 26, 2007 4:09 PM  
**To:** Hatch, Nikki - DOA  
**Subject:** RE: LRB Draft: 07-1252/4 Focus on Energy position transfers

Nikki:

The positions are classified employees, correct? If so, I assume you want the following 3 items:

1. On the eff. date of the budget, the authorized FTE positions for DOA are decreased by 5.0 SEG positions have responsibility over for administering energy conservation, etc., programs under s. 16.957. All incumbent employees holding the positions are transferred to the PSC.
2. On the eff. date of the budget, the authorized FTE positions for the PSC are increased by 5.0 SEG positions.
3. Employees transferred under no. 1 have all the rights and the same status under subch. V of ch. 111 and ch. 230 in the PSC that they enjoyed in DOA immediately before the transfer. Notwithstanding s. 230.28 (4), no employee so transferred who has attained permanent status in class is required to serve a probationary period.

Unless I hear otherwise from you, I will draft the above.

-- Mark

---

**From:** Hatch, Nikki - DOA  
**Sent:** Friday, January 26, 2007 3:14 PM  
**To:** Kunkel, Mark  
**Cc:** Koskinen, John - DOA  
**Subject:** FW: LRB Draft: 07-1252/4 Focus on Energy position transfers

Hi Mark,

An issue arose with respect to this draft and I wanted to bring it to your attention. The plan is for 5 positions to transfer from DOA to PSC on this. Two people have been loaned from DOA already, and then three vacant positions will be filled by DOA prior to implementation of the budget bill and then sent over to PSC. What language do we need to include in this draft that protects the incumbents? DOA is not developing a draft with respect to this issue, so whatever is required will need to be added to this one.

Thank you,

Nikki

01/26/2007

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**From:** Greenslet, Patty [mailto:Patty.Greenslet@legis.wisconsin.gov]  
**Sent:** Tuesday, January 23, 2007 1:11 PM  
**To:** Hatch, Nikki - DOA  
**Cc:** Koskinen, John - DOA; Hanaman, Cathlene - LEGIS; Palchik, Laurie A - DOA  
**Subject:** LRB Draft: 07-1252/4 Focus on Energy position transfers

*Following is the PDF version of draft 07-1252/4.*



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1252/4

MDK:kjg

5

DOA:.....Hatch, BB0232 - Focus on Energy position transfers

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

RM has been run

Don't Gen

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**PUBLIC UTILITY REGULATION**

Under current law, the PSC has oversight duties with respect to certain energy efficiency and renewable resource programs that are established and funded by investor-owned electric and natural gas utilities. Current law requires the utilities to spend a specified percentage of their annual operating revenues on the programs, as well as on other related programs. The utilities must contract with persons to administer the programs.

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INSERT 1A

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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1           **SECTION 1.** 20.155 (1) (s) of the statutes is created to read:

2           20.155 (1) (s) *Energy efficiency and renewable resource programs.* From the  
3 utility public benefits fund, the amounts in the schedule for the costs of  
4 administering s. 196.374. All moneys received under s. 196.374 (3) (b) 4. shall be  
5 credited to this appropriation account.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 2.** 25.96 of the statutes is amended to read:

7           **25.96 Utility public benefits fund.** There is established a separate  
8 nonlapsible trust fund designated as the utility public benefits fund, consisting of  
9 low-income assistance fees received under s. 16.957 (4) (a) and (5) (b) 2. and all  
10 moneys received under s. 196.374 (3) (b) 4.

11           **SECTION 3.** 196.374 (3) (b) 2. (intro.) of the statutes, as affected by 2005  
12 Wisconsin Act 141, is amended to read:

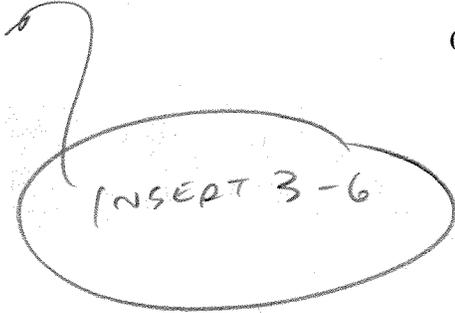
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16 statewide energy efficiency and renewable resource programs under sub. (2) (a) 1.,  
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18 costs incurred by the commission in administering this section. Subject to approval  
19 under subd. 3., the commission may require each energy utility to spend a larger  
20 percentage of its annual operating revenues to fund these programs and costs. The

1 commission may make such a requirement based on the commission's consideration  
2 of all of the following:

3 **SECTION 4.** 196.374 (3) (b) 4. of the statutes is created to read:

4 196.374 (3) (b) 4. In each fiscal year, the commission shall collect from the  
5 persons with whom energy utilities contract under sub. (2) (a) 1. an amount equal  
6 to the costs incurred by the commission in administering this section.

7 (END)



INSERT 3-6

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**INSERT 1A:**

*not* The bill also transfers 5.0 FTE positions from DOA to the PSC for carrying out the oversight duties.

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**INSERT 3-6:**

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**SECTION 9101. Nonstatutory provisions; administration.**

4

(1) POSITION AND EMPLOYEE TRANSFERS TO PUBLIC SERVICE COMMISSION.

*auto ref*

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(a) On the effective date of this paragraph, the authorized FTE positions for the department of administration are decreased by 5.0 SEG positions having responsibility for administering energy conservation and efficiency and renewable resource programs under section 16.957 of the statutes. On the effective date of this paragraph, all incumbent employees holding those positions are transferred to the public service commission.

10

11

(b) On the effective date of this paragraph, the authorized FTE positions for the public service commission are increased by 5.0 SEG positions.

12

13

(c) The employees transferred under paragraph (a) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the public service commission that they enjoyed in the department of administration immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

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MDK:kjf/pg  
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P m has been run

DOA:.....Hatch, BB0232 - Focus on Energy position transfers

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INSERT 2-1

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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20.155 (1) (s) *Energy efficiency and renewable resource programs.* From the utility public benefits fund, the amounts in the schedule for the costs of administering s. 196.374. All moneys received under s. 196.374 (3) (b) 4. shall be credited to this appropriation account.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2. 25.96 of the statutes is amended to read:

**25.96 Utility public benefits fund.** There is established a separate nonlapsible trust fund designated as the utility public benefits fund, consisting of low-income assistance fees received under s. 16.957 (4) (a) and (5) (b) 2. and all moneys received under s. 196.374 (3) (b) 4.

SECTION 3. 196.374 (3) (b) 2. (intro.) of the statutes, as affected by 2005 Wisconsin Act 141, is amended to read:

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1 commission may make such a requirement based on the commission's consideration  
2 of all of the following:

3 SECTION 4. 196.374 (3) (b) 4. of the statutes is created to read:

4 196.374 (3) (b) 4. In each fiscal year, the commission shall collect from the  
5 persons with whom energy utilities contract under sub. (2) (a) 1. an amount equal  
6 to the costs incurred by the commission in administering this section.

7 SECTION 9101. Nonstatutory provisions; Administration.

8 (1) POSITION AND EMPLOYEE TRANSFERS TO PUBLIC SERVICE COMMISSION.

9 (a) On the effective date of this paragraph, the authorized FTE positions for the  
10 department of administration are decreased by 5.0 SEG positions having  
11 responsibility for administering energy conservation and efficiency and renewable  
12 resource programs under section 16.957 of the statutes. On the effective date of this  
13 paragraph, all incumbent employees holding those positions are transferred to the  
14 public service commission.

15 (b) On the effective date of this paragraph, the authorized FTE positions for the  
16 public service commission are increased by 5.0 SEG positions.

17 (c) The employees transferred under paragraph (a) have all the rights and the  
18 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
19 public service commission that they enjoyed in the department of administration  
20 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,  
21 no employee so transferred who has attained permanent status in class is required  
22 to serve a probationary period.

23

(END)

2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1252/6ins  
MDK:.....

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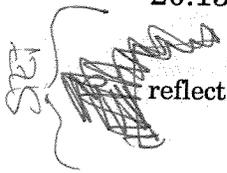
**INSERT 2-1:**

2

**SECTION 1.** 20.155 (3) (title) of the statutes is repealed and recreated to read:

3

**20.155 (3) (title) AFFILIATED GRANT PROGRAMS.** ✓

SE  


\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**Kunkel, Mark**

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**From:** Hatch, Nikki - DOA  
**Sent:** Monday, February 05, 2007 3:43 PM  
**To:** Kunkel, Mark  
**Subject:** RE:

Sounds great to me. Thanks, Mark.

Nikki

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**From:** Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]  
**Sent:** Monday, February 05, 2007 3:40 PM  
**To:** Hatch, Nikki - DOA  
**Subject:**

Nikki:

How about this new language, which essentially gets rid of the first sentence in par. (a), deletes par. (b), and gets rid of par. (c), but moves the gist of par. (c) into par. (a)?

The increase of 5 positions to the PSC that was in par. (b) doesn't have to be expressed in the budget, as it will be expressed in the budget books. Is this okay?

-- Mark

**SECTION 9101. Nonstatutory provisions; Administration.**

(1) EMPLOYEE TRANSFERS TO PUBLIC SERVICE COMMISSION.

(a) On the effective date of this paragraph, all incumbent employees holding positions having responsibility for administering energy conservation and efficiency and renewable resource programs under section 16.957 of the statutes, as determined by the secretary of administration, are transferred to the public service commission. The employees transferred under this paragraph have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the public service commission that they enjoyed in the department of administration immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1252/6

MDK:kjf:rs

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employees ✓

to carry

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3 percentage of its annual operating revenues to fund these programs and costs. The  
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6 SECTION 5. 196.374 (3) (b) 4. of the statutes is created to read:

7 196.374 (3) (b) 4. In each fiscal year, the commission shall collect from the  
8 persons with whom energy utilities contract under sub. (2) (a) 1. an amount equal  
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10 SECTION 9101. **Nonstatutory provisions; Administration.**

11 (1) ~~POSITION AND~~ EMPLOYEE TRANSFERS TO PUBLIC SERVICE COMMISSION. ✓

12 (a) On the effective date of this paragraph, the authorized FTE positions for the  
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23 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,

INSERT 3-12 ✓

1 ~~no employee so transferred who has attained permanent status in class is required~~  
2 ~~to serve a probationary period.~~

3 (END)

2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1252/7ins  
MDK:.....

INSERT 3-12:

1 ~~NO~~ On the effective date of this paragraph, all incumbent employees holding  
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3 and renewable resource programs under section 16.957 of the statutes, as  
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State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1252/7

MDK:kjf:ps

Handwritten notes: "RM has been run" circled, with an arrow pointing to "ESD" and a circled "8".

DOA:.....Hatch, BB0232 - Focus on Energy position transfers

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Handwritten note: "Don't Gen" circled.

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**PUBLIC UTILITY REGULATION**

Under current law, the PSC has oversight duties with respect to certain energy efficiency and renewable resource programs that are established and funded by investor-owned electric and natural gas utilities. Current law requires the utilities to spend a specified percentage of their annual operating revenues on the programs, as well as on other related programs. The utilities must contract with persons to administer the programs.

This bill creates an annual appropriation from the utility public benefits fund (fund) for the costs incurred by the PSC in carrying out its oversight duties described above. In each fiscal year, the PSC must collect, for deposit in the fund, each utility's share, as determined by the PSC, of the PSC's oversight costs. The bill requires the PSC to collect these amounts from the persons with whom the utilities contract to administer the programs. The amount that the PSC collects with respect to a utility is included in determining whether the utility has spent the required percentage of its annual operating revenues. (The bill does not change the percentage.) The bill also transfers employees from DOA to the PSC to carry out the oversight duties.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 20.155 (3) (title) of the statutes is repealed and recreated to read:

2           20.155 (3) (title) AFFILIATED GRANT PROGRAMS.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3           **SECTION 2.** 20.155 (3) (s) of the statutes is created to read:

4           20.155 (3) (s) *Energy efficiency and renewable resource programs.* From the  
5 utility public benefits fund, the amounts in the schedule for the costs of  
6 administering s. 196.374. All moneys received under s. 196.374 (3) (b) 4. shall be  
7 credited to this appropriation account.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 3.** 25.96 of the statutes is amended to read:

9           **25.96 Utility public benefits fund.** There is established a separate  
10 nonlapsible trust fund designated as the utility public benefits fund, consisting of  
11 low-income assistance fees received under s. 16.957 (4) (a) and (5) (b) 2. and all  
12 moneys received under s. 196.374 (3) (b) 4.

13           **SECTION 4.** 196.374 (3) (b) 2. (intro.) of the statutes, as affected by 2005  
14 Wisconsin Act 141, is amended to read:

15           196.374 (3) (b) 2. (intro.) The commission shall require each energy utility to  
16 spend 1.2 percent of its annual operating revenues to fund the utility's programs  
17 under sub. (2) (b) 1., the utility's ordered programs, and the utility's share of the  
18 statewide energy efficiency and renewable resource programs under sub. (2) (a) 1.,  
19 and the utility's share, as determined by the commission under sub. (3) (b) 4., of the

1 costs incurred by the commission in administering this section. Subject to approval  
2 under subd. 3., the commission may require each energy utility to spend a larger  
3 percentage of its annual operating revenues to fund these programs and costs. The  
4 commission may make such a requirement based on the commission's consideration  
5 of all of the following:

6 **SECTION 5.** 196.374 (3) (b) 4. of the statutes is created to read:

7 196.374 (3) (b) 4. In each fiscal year, the commission shall collect from the  
8 persons with whom energy utilities contract under sub. (2) (a) 1. an amount equal  
9 to the costs incurred by the commission in administering this section.

10 **SECTION 9101. Nonstatutory provisions; Administration.**

11 (1) EMPLOYEE TRANSFERS TO PUBLIC SERVICE COMMISSION. ✓

12 (a) On the effective date of this <sup>subsection</sup> paragraph, all incumbent employees holding  
13 positions having responsibility for administering energy conservation and efficiency  
14 and renewable resource programs under section 16.957 of the statutes, as  
15 determined by the secretary of administration, are transferred to the public service  
16 commission. The employees transferred under this <sup>subsection</sup> paragraph have all the rights  
17 and the same status under subchapter V of chapter 111 and chapter 230 of the  
18 statutes in the public service commission that they enjoyed in the department of  
19 administration immediately before the transfer. Notwithstanding section 230.28 (4)  
20 of the statutes <sup>no</sup> employee so transferred who has attained permanent status in  
21 class is required to serve a probationary period.

22 (END)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1252/8  
MDK:kjf&jld:pg

DOA:.....Hatch, BB0232 - Focus on Energy position transfers

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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